

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :
 :
 v. : 1:09CR272-2
 :
 TERRELL BARTEL ANTHONY MILLER :

FACTUAL BASIS

NOW COMES the United States of America, by and through Anna Mills Wagoner, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Federal Rules of Criminal Procedure, states the following:

On October 8, 2008, detectives with the High Point Police Department executed a state search warrant at 646 Wesley Drive in High Point, North Carolina. Upon entry, Roosevelt Williams, TERRELL BARTEL ANTHONY MILLER, Robert Paul Turner, and two females were detained and placed on the front porch while the search was conducted.

During the search of Defendant Williams' room, detectives found under the bed a stolen Hi-Point, model 995, 9mm semi-automatic rifle, bearing serial number B63564. The rifle had a loaded magazine and a live round in the chamber. Three magazines with live rounds were located next to the rifle. In the bottom drawer of a dresser in an ankle holster, the detectives found a Colt, model Government, .380 caliber semi-automatic handgun, serial number RC38638, with a loaded magazine. A Smith and

Wesson, model 60, .38 caliber revolver, bearing serial number R139315, was located on top of the dresser in a paper box. Two live rounds and 3 empty rounds were in the gun. A stolen Smith and Wesson, model 65, .357 magnum revolver, bearing serial number 1D14472, a F.I.E., model D38, .38 caliber derringer, bearing serial number 021209, and an AA arms, model AP9, 9mm semi-automatic handgun, bearing serial number 007849, with two loaded magazines next to it were located in the bottom of a large screen television. The three firearms were hidden in an inside compartment. A clear plastic bag containing 12.4 grams (net weight) of cocaine hydrochloride was located on the floor in front of the bed. A black plastic bag containing 102.1 grams (net weight) of cocaine hydrochloride was located on a self in an armoire. A sawed off shotgun barrel was located on the floor next to the night stand. Several live rounds were located in dresser drawers. Three cell phones were located on the dresser and on the bed. A note book organizer with a checkbook in it was located on the dresser. Paper work containing gang notes and a phone number for "40 cal" was located on the dresser.

During a search of Defendant MILLER's room, detectives found a Maverick Arms, model 88, 12 gauge pump shot gun with a sawed off barrel, bearing serial number MV65479G, was located on a top shelf behind radio equipment. Four clear plastic bags containing 0.9 grams (net weight) of cocaine hydrochloride was on the

computer stand. Several plastic bags containing 9.0 grams (net weight) of 3,4-Methylenedioxymethamphetamine (MDMA) were located on the computer stand. Three clear plastic bags containing approximately 3.4 grams of marijuana was located on the computer stand. Thirteen small clear plastic bags and one large clear plastic bag containing approximately 21.3 grams of marijuana was located under the sofa. A red digital scale was located on the floor and \$135 was located on the computer stand.

In the kitchen, detectives found a single shot Harrington and Richardson, model Topper 158, 20 gauge shotgun, bearing serial number AM217906, located under the stove. A clear bag of marijuana seeds was located in a box on top of the refrigerator. A black digital scale was located on the counter.

On November 5, 2008, detectives met with Defendant MILLER at the Guilford County, High Point, North Carolina jail. Defendant MILLER waived his Miranda rights and admitted he had been staying at 646 Wesley Drive High Point, North Carolina for approximately one week prior to the execution of the Search Warrant. Defendant MILLER stated he has known Roosevelt Williams since he was a child.

Defendant MILLER stated he stayed in the 'computer room' and that his girlfriend, Baptisha Bonham, stayed with him from time-to-time. Defendant MILLER stated the black shotgun found in the computer room was originally propped up against the computer

stand and that he placed the shotgun on the shelf where it was found by law enforcement. Defendant MILLER stated he was a convicted felon and knew he was not to have or possess a firearm.

The above-referenced firearm, which has been described herein and in the Indictment, was not manufactured in the state of North Carolina and, therefore, traveled in interstate and/or foreign commerce. In addition, the firearm was test-fired and functioned as designed, thus, meeting the statutory definition of "firearm" as set forth in 18 U.S.C. § 921(a)(3). On August 5, 2005, Defendant MILLER was convicted in the Forsyth County Superior Court of Possession with Intent to Sell/Deliver Marijuana which is a crime punishable by a term exceeding one year. At the time of the instant offense, the defendant's convictions had not been expunged or set aside nor had he been pardoned or had his civil rights restored within the meaning of 18 U.S.C. § 921(a)(20).

This the 8th day of September, 2009.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2009, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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